

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 13, 2004

D044438 In re Vicente M., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D042073 People v. Gaines et al.

The judgment as to Gaines is reversed.

As to Whitney, the judgment is reversed as to the imposition of the section 12022.5 subdivision (a)(1) enhancements on counts 1 and 2 and the upper term sentence enhancements pursuant to section 12022.5, subdivision (a)(1) on counts 3 and 4. The matter is remanded for resentencing. The judgment is otherwise affirmed. Aaron, J.; I Concur: Haller, J., I concur and dissent: Benke, Acting P.J.

D042505 People v. Soltero

For the reasons provided, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

D045501 In re Klarissa R., a Juvenile

Appellant's notice of appeal filed December 7, 2004 is untimely. The appeal is dismissed.

D043260 Cox et al. v. Bedeco Inc., et al.

The judgment is reversed. The plaintiffs are entitled to costs on appeal. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald
Clerk: D. E. Moore

D042016 People v. Munoz

Cause called on merits. Gregory L. Rickard, Esq. argued for appellant. Douglas C. Lee, Deputy Attorney General argued for respondent. Mr. Rickard replied. Cause submitted. From the bench, the court granted counsel permission to file a letter brief on the mootness issue/status of the case. Attorney General's brief is due on or before December 27, 2004. Appellant counsel's letter brief is due on or before January 10, 2005.

D043732 Gregg Forest Products, Inc. v. Sparza

Cause called on merits. Ruben F. Arizmendi, Esq. argued for appellant. Tina Pivonka, Esq. argued for respondent. Mr. Arizmendi replied. Cause submitted.

D043836 MAR, LLC. v. Albertson's Inc., et al.

Cause called on merits. Eric V. Rowen, Esq. argued for appellant. Erik A. Christiansen, Esq. argued for respondent. Mr. Rowen replied. Cause submitted.

D043224 Orozco v. Evangelatos et al.

Cause called on merits. Robert B. Coffin, Esq. argued for appellant. Lawrence Segal, Esq. argued for respondent. Mr. Coffin replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
DECEMBER 13, 2004 (Continued)

Court recessed at 10:42 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D042384 People v. Pasillas

Cause called on merits. Robert F. Howell, Esq. argued for appellant. Steve Oetting, Deputy Attorney General argued for respondent. Mr. Howell replied. Cause submitted. From the bench, the court granted counsel permission to file a letter brief on the Blakely issue if they so choose. Appellant counsel's brief is due on or December 27, 2004. Attorney General's brief is due on or January 10, 2005.

Court recessed at 11:31 to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Alex McDonald

D043110 People v. Delrosario

Cause called on merits. Robert W. Gehring, Esq. argued for appellant, and submitted a letter re recent Supreme Court decision. Heather Wells, Deputy Attorney General argued for respondent. Mr. Gehring replied. Cause to be submitted at a later date.

Court recessed at 11:50 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald
Clerk: D. E. Moore

D042903 Harron v. Bonilla et al.

Cause called on merits. Ken Klein, Esq. argued for appellant, Bonilla. J. Alan Warfield, Esq. argued for appellant, Inocentes. John W. Wood, Esq. argued for respondent. Mr. Warfield replied. Mr. Klein replied. Cause submitted.

Court recessed at 2:11 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. E. Moore

D044383 Ingram et al. v. Bloomingdale

Cause called on merits. Janis L. Turner, Esq. argued for appellant. Anthony E. Kalikas, Esq. argued for respondent. Cause submitted.

Court recessed at 2:34 p.m. until Tuesday, December 14, 2004 at 9:00 a.m.

D045461 People v. Pancoe

The petition for transfer is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 13, 2004 (Continued)

D039828 Shook et al. v. Regents of the University of California et al.

Judgment affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Aaron, J.

D041368 Bates v. Keirsev/Prometheus Nemesis Book Company, Inc.

The judgment of the trial court as to Keirsev is affirmed in part, reversed in part, and remanded to the trial court with the following directions. (a) The court shall enter judgment in favor of Bates for damages based on lost royalties from sales of PUM, calculated from the date Keirsev began sending Bates a 3.5 percent royalty rather than the 5 percent royalty due under the contract. (b) Interest at a rate of 7 percent per annum shall apply to these damages amounts. (c) The court shall enter judgment as to damages based on royalties from sales of PUM II in favor of Keirsev. The judgment as to Prometheus Nemesis is affirmed. The parties are to bear their own costs on appeal. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

D045226 A.B.H. Investments Inc., et al. v. Superior Court of San Diego County/Narven Enterprises Inc., et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 14, 2004

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion
Clerk: D. E. Moore

D043150 Barno et al. v. The Copley Press Inc., et al.

Cause called on merits. James S. Marinos, Esq. argued for appellant. Michael W. Connally, Esq. argued for respondent, The Copley Press, Inc. George W. Brewster, Deputy County Counsel argued for respondent. Mr. Marinos replied. Cause submitted.

D043626 Bell v. Greg Agee Construction Inc., et al.

Cause called on merits. Jon Y. Vanderpool, Esq. argued for appellant. William Lemkul, Esq. argued for respondent. Mr. Vanderpool replied. Cause submitted.

Court recessed at 10:08 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D042738 JLRB Associates et al. v. Livingston

Cause called on merits. Stephen F. Lopez, Esq. argued for appellant. Andrew A. Kurz, Esq. argued for respondent. Mr. Lopez replied. Cause submitted.

Court recessed at 10:41 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

D043064 People v. Beaner

D044515 In re Beaner on Habeas Corpus

Cause called on merits. Joanna McKim, Esq. argued for appellant. Kristin Anton, Deputy Attorney General argued for respondent. Ms. McKim replied. Cause submitted as to appeal ONLY, D043064.

D043517 Diaz v. City of El Centro

Cause called on merits. J. Scott Tiedemann, Esq. argued for appellant. Michael Alan Morguess, Esq. argued for respondent. Cause submitted.

D042780 People v. Ogot

D045225 In re Ogot on Habeas Corpus

Cause called on merits. Pamela G. Lacher, Esq. argued for appellant. Kristin Anton, Deputy Attorney General argued for respondent. Ms. Lacher replied. Cause submitted as to appeal ONLY, D042780.

Court recessed at 11:45 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
DECEMBER 14, 2004 (Continued)

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron
Clerk: D. E. Moore

D042933 Yolanda G., a Minor v. Furman

Cause called on merits. Kim Nguyen, Esq. argued for respondent. Alvin M. Gomez, Esq. argued for appellant. Cause submitted.

D044000 Gonzales et al. v. Western Mutual Insurance Company

Cause called on merits. Robert Kennedy, Esq. argued for appellant. Randall L. Winet, Esq. argued for respondent. Mr. Kennedy replied. Cause submitted.

Court recessed at 2:22 p.m. to change panel members. New panel members: The Honorable Terry O'Rourke, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D042551 People v. Jeter

Cause called on merits. Jerome P. Wallingford, Esq. argued for appellant. Pam Ratner, Deputy Attorney General argued for respondent. Mr. Wallingford replied. Cause submitted.

Court recessed at 3 p.m. until Wednesday, December 15, 2004 at 9 a.m.

D043114 People v. Martinez

The petition for rehearing is denied.

D044982 Patrick A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D043474 People v. Barba

The judgment is affirmed. McConnell P.J.; We Concur: Huffman, J., McDonald, J.

D044263 People v. Williams

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D044579 In re Joseph S., a Juvenile

The orders are affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D045130 In re Y. D., a Juvenile

The appeal is dismissed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D042605 People v. Murillo

The petition for rehearing is denied.

D044085 In re Justin E., a Juvenile

The judgment terminating parental rights is reversed and the matter is remanded for a new section 366.26 hearing. Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.; Separate concurring opinion: Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 14, 2004 (Continued)

D044450 In re Melina B. et al., Juveniles

The petition for rehearing is denied.

D040558 People v. Lim

The judgment is modified to strike rather than stay the terms imposed for counts 1 and 2 under section 667.61 and to respectively strike restitution and parole revocation fines over the amount of \$10,000. As modified the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting such modifications, to correct the abstract to reflect count 3 was by plea, and to forward a certified copy of the amended/corrected abstract to the Department of Corrections. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D044398 In re Lisa G., a Juvenile

The judgment is reversed. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

D045009 Austin McBride Corporation et al. v. Creative Capital Leasing Group, LLC

Defendant Creative Capital Leasing Group's appeal from the August 30, 2004 order granting, in part, Austin McBride Corporation and Brett Schaffter's petition to compel arbitration is dismissed on the ground the appeal is from a nonappealable interlocutory order.

D045349 In re Broderick on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 15, 2004

D043773 People v. Villalobos

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D044406 People v. Escamilla

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Aaron, J.

D042788 People v. Valdez

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D042004 Lacher v. East County Investigations et al.

The judgment is affirmed. Appellant is directed to pay \$7,166 to Respondents as sanctions for a frivolous appeal. Appellant is to pay costs on appeal. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D045513 People v. Mercer

In that no appealable order or judgment has yet been entered, the notice of appeals on SCE239659, CE244302 and CE244931 are premature. The appeal is dismissed without prejudice to refile a notice of appeal after an order or judgment has been entered.

D045514 People v. Cogswell

In that no appealable order or judgment has yet been entered, the notice of appeal is premature. The appeal is dismissed without prejudice to filing a notice of appeal after an order or judgment has been entered.

D044320 People v. Rodriguez

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., Irion, J.

D044488 People v. Lorenzo

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., Irion, J.

D044235 Mills v. Third Eye Systems, LLC et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D045381 In re Bell on Habeas Corpus

The petition is denied as duplicative.

D042732 Lacher v. East County Investigations et al.

We affirm the judgment. We remand to the court to determine the amount of attorney fees East County reasonably incurred in litigating this appeal. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D044342 People v. Zimmeth

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 15, 2004 (Continued)

D045347 Woods et al. v. Neptune Terrance Condominium Association et al.

Pursuant to California Rules of Court, rule 8, the appeal filed October 29, 2004 by Gerald Woods et al. is dismissed for appellants' failure to timely designate the record.

D041662 In re Enterprise Overtime Cases, JCCP 4233

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed.

Court convened at 9 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

Clerk: D. E. Moore

D043425 City of San Diego v. D.R. Horton San Diego Holding Company, Inc.

Cause called on merits. David William Skinner, Esq. argued for appellant. Jeffrey M. Oderman, Esq. argued for respondent. Mr. Skinner replied. Cause submitted.

D044192 People v. Morris

Cause called on merits. Diane Harrison, Deputy District Attorney argued for appellant. Pamela Preston King, Deputy Public Defender argued for respondent. Ms. Harrison replied. Cause submitted.

Court recessed at 9:55 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D042318 Rasana v. San Diego Transit Corporation

Cause called on merits. Leon J. Saad, Esq. argued for appellant, Rasana. Bonnie E. Kane, Esq. was present in oral argument for appellant, Rasana, but did not argue. Diane Elizabeth Bond, Esq. was present in oral argument for appellant, Rasana, but did not argue. Constantine D. Buzunis, Esq. argued for respondent, San Diego Transit Corporation. Mr. Saad replied. Cause submitted.

Court recessed at 10:36 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

Clerk: D. E. Moore

D042358 Glassman et al. v. Southwest Airlines Co.

Cause called on merits. Richard M. Wirtz, Esq. argued for appellant. Erin McCalmon Bosman, Esq. argued for respondent. James Huston, Esq. was present in oral argument for respondent, but did not argue. Cause submitted.

D043226 Morhaim v. Scripps Clinic Medical Group, Inc.

Cause called on merits. David D. Miller, Esq. argued for appellant. Martha L. McGill, Esq. argued for respondent. Robert A. Cosgrove, Esq. was present in oral argument, but did not argue. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
DECEMBER 15, 2004 (Continued)

Court recessed at 2:07 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Joan Irion

D043636 Harris Building Supply, Inc. v. La Jolla Village Development Group LLC., et al.
Cause called on merits. Stephen Spinella, Esq. argued for appellant. Scott Nelson, Esq. argued for respondent. Mr. Spinella replied. Cause submitted.

D043099 O'Meara v. Palomar Pomerado Health System et al.
Cause called on merits. Robert C. Coppo, Esq. argued for appellant. Thomas Tosdal, Esq. argued for respondent. Mr. Coppo replied. Cause submitted.

D044701 Kenneth B. et al. v. Superior Court
Matter called on merits. James McMahon, Esq. argued for petitioner, Kenneth B. Judith E. Klein, Esq. was present in oral argument for petitioner, Sheryl T., but did not argue. Gary Seiser, Deputy County Counsel argued for respondent. Mr. McMahon replied. Matter submitted.

D043101 NAS Construction, Inc. v. ARMCO, Inc.
Cause called on merits. C. Kevin Bond, Esq. argued for appellant. Timothy J. Daley, Esq. argued for respondent, ARMCO, Inc. Matt Liedle, Esq. argued for appellant, First National Insurance Company. Mr. Bond replied. Mr. Liedle replied. Cause to be submitted at a later date.

D043452 NAS Engineering & Construction, Inc. v. ARMCO, Inc.
Cause called on merits. C. Kevin Bond, Esq. argued for appellant. Brien James O'Meara, Esq. argued for respondent. Mr. Bond replied. Cause to be submitted at a later date.

Court recessed at 430 p.m. until Thursday, December 16, 2004 at 9:00 a.m.

D045428 Dana D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Dana D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D045427 Tonya C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Tonya C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D042885 In re Marriage of Rogozienski
Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
DECEMBER 16, 2004

D043785 Long v. Belvedere et al.

Judgment affirmed. Costs are awarded to respondent. Huffman, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D045488 Kevin Charles Cole v. Superior Court of San Diego County/People

The petition is denied.

D045424 In re Herd on Habeas Corpus

The petition is denied.

Court convened at 9 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion'

Clerk: D. E. Moore

D043623 People v. Jones

Cause called on merits. Amanda Benedict, Esq. argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Ms. Benedict replied. Cause submitted.

Court recessed at 9:20 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

D042461 People v. Palacios

Cause called on merits. Ward Clay, Esq. argued for appellant. Ronald Jakob, Deputy Attorney General argued for respondent. Mr. Clay replied. Cause submitted.

Court recessed at 9:51 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D043793 Daun v. USAA Casualty Insurance Company

Cause called on merits. Michael D. Padilla, Esq. argued for appellant. Greg Konoske, Esq. argued for respondent. Mr. Padilla replied. Cause submitted.

Court recessed at 10:51 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre

Clerk: D. E. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
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D043739 Guyer, et al. v. D.L. Sinjem Co. Inc., et al.

Cause called on merits. Marvin Jonathon Straus, Esq. argued for appellant. Michael W. Quade, Esq. argued for respondent. Cause submitted.

D042877 People v. Shaw

Cause called on merits. Maria Morrison, Esq. argued for appellant. Ronald Jakob, Deputy Attorney General argued for respondent. Ms. Morrison replied. Cause submitted.

Court recessed at 2:02 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

D043685 Woods et al. v. Current et al.

Cause called on merits. Larry G. Lushanko, Esq. argued for appellant. Michael Harrison Porrazzo, Esq. argued for respondent. Mr. Lushanko replied. Cause submitted.

D042950 Huntingdon Life Sciences Inc., et al. v. Stop Huntingdon Animal Cruelty, USA, Inc., et al.

Cause called on merits. Orly Degani, Esq. argued for appellant. David W. Graves, Esq. argued for respondent. Ms. Degani replied. Cause submitted.

Court recessed at 2:40 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate justices Richard Huffman and Terry O'Rourke

D043528 Shrestha v. NRT Inc., et al.

Cause called on merits. Matthew Joseph Zevin, Esq. argued for appellant. Jonathan R. Goldblatt, Esq. argued for respondent. Mr. Zevin replied. Cause submitted.

Court adjourned at 3:23 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 17, 2004

D043305 Peukert v. Roncone et al.

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D042579 Dorsett v. Experience Hendrix, LLC

The orders granting a new trial are affirmed but to the extent they limited evidence that may be introduced at a new trial, they are reversed. The matter is remanded to the trial court with directions that in the event a new trial is held, the parties are entitled to introduce evidence and call witnesses, including expert witnesses, as though there had been no prior trial; but otherwise subject to the provisions of the Code of Civil Procedure regulating pretrial matters. The parties shall bear their own costs on appeal.

McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D045441 Collectors Universe Inc., et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied.

D045423 In re Freeman on Habeas Corpus

The petition is denied.

D045339 Lee B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Lee B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041265 Waterbury, a Minor etc. v. Phoenix House San Diego, Inc.

The judgment is affirmed. Phoenix House is entitled to costs on appeal. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

D042827 People v. Sicairos

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Aaron, J.

D038170 Swann v. Daimlerchrysler Motors Corporation

D039277

The judgment is reversed and remanded for further proceedings consistent with the views we have expressed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D045261 Alejandro C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Alejandro C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will be filed as there are no viable issues for writ review. The case is dismissed.